

ORDINANCE NO. 2911-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS OF CHAPTERS 18.10 (PARKS AND OPEN SPACE DEDICATION) OF TITLE 18 (SUBDIVISIONS) AND 19.74 (PARK DEDICATION FEES FOR RENTAL HOUSING PROJECTS) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE PERTAINING TO PARK DEDICATION

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTIONS 18.10.030 and 18.10.040 AMENDED. Sections 18.10.030 (“Land Requirement”) and 18.10.040 (“Density Formula”) of Chapter 18.10 (“Parks and Open Space Dedication”) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code are hereby amended to read as follows:

18.10.030. Land requirement.

In accordance with the open space and recreation subelement of the general plan, it is hereby found and determined that the public interest, convenience, health, welfare and safety require that effective until June 30, 2010, 1.75 acres; effective July 1, 2010, 2.25 acres; and effective July 1, 2011, 3.00 acres of property for each one thousand persons residing within each neighborhood planning area within the city of Sunnyvale be devoted to public park and recreational facilities, with the exception that the Murphy planning area shall be divided by Fair Oaks Avenue into two sections to be designated Murphy West and Murphy East. The following table depicts the annual acreage requirements applicable for project applications at the time the complete tentative map application is received:

<u>Effective Date</u>	<u>Acres of property per one thousand persons</u>
Until June 30, 2010	1.75 acres
July 1, 2010	2.25 acres
July 1, 2011 and thereafter	3.00 acres

18.10.040. Density formula.

In determining dedication or in lieu fee payment requirements under this chapter, the following table, derived from density assumptions of the general plan and prevailing household sizes, shall apply:

Dwelling Category	Dwelling Units Per Net Acre	Acreage Requirement Per Dwelling Unit Within Subdivision		
		Until 06/30/10	07/01/10 to 07/01/11	07/01/11 and thereafter
Low density residential	7 or fewer	0.0048125	0.0061875	0.0082500
Low-medium density residential	Over 7 to 14	0.0043750	0.0056250	0.0075000
Medium density residential	Over 14 to 27	0.0031500	0.0040500	0.0054000
High density residential	Over 27 to 45	0.0031500	0.0040500	0.0054000

A deduction for the number of existing dwelling units will be allowed in calculating the land dedication or in-lieu fees required pursuant to this chapter as set forth in Section 18.10.070.

The value of any park and recreational improvements and equipment to the dedicated land shall be credited against the payment of fees or dedication of land required pursuant to this chapter.

SECTION 2. SECTIONS 18.10.060 and 18.10.070 AMENDED. Sections 18.10.060 (“Calculation of Fair Market Value”) and 18.10.070 (“Calculation of Requirement”) of Chapter 18.10 (“Parks and Open Space Dedication”) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code are hereby amended to read as follows:

18.10.060. Calculation of fair market value.

Annually, on a fiscal year basis, the director of community development shall determine the fair market value for an acre of land in the city. The fair market value amount shall be included in the fee resolution adopted by the city council. The fair market value applicable to the calculation of all park in-lieu fees shall be based on the fiscal year when the final map is complete. The calculation of all park in-lieu fees shall be applied and payable upon approval of the final map.

18.10.070. Calculation of requirement.

For the purposes of the formula established by this section, the following definitions shall apply:

A — the acreage required per dwelling unit within the proposed subdivision for park and recreational facilities from Section 18.10.040.

B — the number of dwelling units in the proposed subdivision.C — the fair market value per acre of land from Section 18.10.060.

D — the number of existing dwelling units.

L — the land required for dedication in proposed subdivision.

F — the fee required.

The following formula shall be used in calculating land required for dedication under this section:

$$A \times (B-D) = L$$

The following formula shall be used in calculating in lieu of fees required to be paid under this article:

$$A \times (B-D) \times C = F$$

SECTION 3. SECTIONS 19.74.030 and 19.74.040 AMENDED. Sections 19.74.030 (“Land Requirement”) and 19.74.040 (“Density Formula”) of Chapter 19.74 (“Park Dedication Fees for Rental Housing Projects”) of Title 19 (Zoning) of the Sunnyvale Municipal Code are hereby amended to read as follows:

19.74.030. Land requirement.

In accordance with the open space and recreation subelement of the general plan, it is found and determined that the public interest, convenience, health, welfare and safety require that until June 30, 2010, 1.75 acres; effective July 1, 2010, 2.25 acres; and effective July 1, 2011, 3.00 acres of property for each one thousand persons residing within each neighborhood planning area within the city be devoted to public park and recreational facilities. The Murphy planning area shall be divided by Fair Oaks Avenue into two sections, to be designated Murphy West and Murphy East. The following table depicts the annual acreage requirements applicable for projects at the time of building permit application submittal:

Effective Date	Acres of property per one thousand persons
Until June 30, 2010	1.75 acres
July 1, 2010	2.25 acres
July 1, 2011 and thereafter	3.00 acres

9.74.040. Density formula.

In determining dedication or in-lieu fee payment requirements under this chapter, the following table, derived from density assumptions of the general plan and prevailing household sizes, shall apply:

Dwelling Category	Dwelling Units Per Net Acre	Acreage Requirement Per Dwelling Unit Within Housing Project		
		Until 06/30/10	07/01/10 to 07/01/11	07/01/11 and thereafter
Low density residential	7 or fewer	0.0048125	0.0061875	0.0082500
Low-medium density residential	Over 7 to 14	0.0043750	0.0056250	0.0075000
Medium density residential	Over 14 to 27	0.0031500	0.0040500	0.0054000
High density residential	Over 27	0.0031500	0.0040500	0.0054000

A deduction for the number of existing dwelling units will be allowed in calculating the land dedication or in-lieu fees required pursuant to this chapter as set forth in Section 19.74.070.

SECTION 4. SECTIONS 19.74.060 and 19.74.070 AMENDED. Sections 19.74.060 (“Calculation of Fair Market Value”) and 19.74.070 (“Calculation of Requirement”) of Chapter 19.74 (“Park Dedication Fees for Rental Housing Projects”) of Title 19 (Zoning) of the Sunnyvale Municipal Code are hereby amended to read as follows:

19.74.060. Calculation of fair market value.

Annually, on a fiscal year basis, the director of community development shall determine the fair market value for an acre of land in the city. The fair market value amount shall be included in the fee resolution adopted by the city council. The fair market value shall be applied to the calculation of all park in-lieu fees for projects and paid at the time of building permit application submittal.

19.74.070. Calculation of requirement.

(a) For the purposes of the formula established by this section, the following definitions shall apply:

A — the acreage required per dwelling unit within the proposed residential housing project for park and recreational facilities from Section 19.74.040.

B — the number of dwelling units in the proposed residential housing project.

C — the fair market value per acre of land.

D — the number of existing dwelling units.

F — the in-lieu fee required.

L — the land required for dedication.

(b) The following formula shall be used in calculating land required for dedication:

$$A \times (B-D) = L$$

(c) The following formula shall be used in calculating fees to be paid in lieu of land dedication:

$$A \times (B-D) \times C = F$$

SECTION 5. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(4), and that this ordinance is not a project and thus, not subject to the requirements of the California Environmental Quality Act (CEQA).

SECTION 6. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 7. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 8. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on November 24, 2009, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2009, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney